

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SOARING HELMET CORPORATION, a
Washington corporation,

Plaintiff,

v.

NANAL, INC., d/b/a LEATHERUP.COM, a
Nevada corporation, and GOOGLE INC., a
Delaware corporation,

Defendants.

No. C09-789-JLR

DECLARATION OF SHAHROKH
MOKHTARZADEH IN SUPPORT OF
MOTION OF DEFENDANT NANAL,
INC. TO SET ASIDE DEFAULT

I, Shahrokh Mokhtarzadeh, on oath declare and state as follows:

1. I am a member of the bar of the state of California and a principal in the Law Offices of Shahrokh Mokhtarzadeh, a Professional Law Corporation, and counsel for Nanal, Inc. I have personal knowledge of the facts stated below. I am over the age of 18 and, if called upon to testify, could testify competently to the matters stated herein.

2. On or about August 17, 2009, I received information from my client regarding a filing against Nanal Inc., in or about Seattle, Washington. After reviewing the documents, I contacted Ms. Heather Morado of the Invicta Law Firm ("Ms. Morado") to introduce myself and

1 to open up dialogue for possible settlement of the claims asserted. As she was not available on
2 that date, I left her a voicemail.

3 3. After various calls and missing each other's return calls, Ms. Morado and I spoke
4 over telephone on or about August 24, 2009. I informed Ms. Morado that my client would
5 oppose the action filed in Washington and was to obtain local counsel in connection with the
6 same. I also informed her that while we would oppose the action filed on behalf of the Plaintiff,
7 that we were prepared to also pursue settlement negotiations.
8

9 4. I had commenced calling the Washington State Bar and other local bar
10 organizations to investigate and obtain reference to a reputable Washington law firm to represent
11 Nanal Inc. in connection with the above referenced matter.

12 5. Both before and after my conversation with Ms. Morado on August 24, I had been
13 in touch with various firms and I was interviewing them to pick one to represent Nanal, Inc.
14

15 6. I received the names of five or six lawyers with as many law firms and began the
16 process of contacting each to interview said counsel on behalf of my client. As I was calling
17 Washington counsel during late August, many of such attorneys were on vacation or otherwise
18 unavailable from late August through early September.

19 7. When I learned of the unavailability of counsel due to summer vacations and/or
20 Labor Day weekend related issues, I asked for and Ms. Morado, courteously agreed to extend my
21 client's time to respond to her client's complaint, in light of the fact that we had commenced a
22 dialogue regarding possible settlement of the case as well.
23

24 8. During this period, in early September, I was also engaged in multiple matters
25 which greatly reduced my availability and time to interview Washington Counsel. I was also
26 monitoring and formulating a response to Ms. Morado's settlement proposal with my client.
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1 9. During middle of September, on or about September 14 through September 20,
2 2009, I contacted Ms. Morado and we negotiated over the possible terms of the parties proposed
3 settlement agreement. Ultimately, no agreement was reached. At the time that we were at
4 impasse, I informed Ms. Morado that I needed more time to obtain local counsel for my client.
5 Ms. Morado informed me that an extension of time for that purpose was not an issue. I never
6 considered that if there was delay of a few days in obtaining counsel in Washington that Ms.
7 Morado or her office would seek an order for entry of default against my client.
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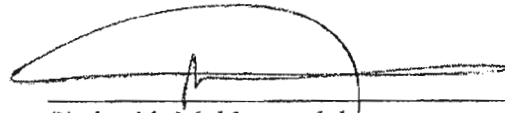
9 10. Thereafter, I focused solely on interviewing counsel. As this became an
10 unexpectedly time consuming task, I requested and Ms. Morado once again extended me a
11 professional courtesy to extend the deadline to respond to October 1, 2009.
12

13 11. By or about September 29 or 30, I reduced the list to three lawyers and a few
14 days later, after several more rounds of telephone conversation, my client agreed to retain
15 services of Hendricks & Lewis. I was out on September 28 due to Yom Kippur and could not
16 have acted earlier. In course of the prior week, the week of September 21, I had to attend a two-
17 day conference at UCLA's School of Anderson in connection with the Executive MBA program
18 where I am enrolled as a student. Due to my calendar and unavailability, I was unable to
19 complete the process of retaining counsel for my client before September 29 or 30.
20

21 12. Thereafter, I spoke with Ms. Hendricks on or about September 29 or 30. I believe
22 Ms. Hendricks was out sick on or about October 1 and I confirmed my client's retention of
23 Hendricks & Lewis on October 1 with Mr. Lewis, Ms. Hendricks' partner, confirming that my
24 client agreed to retain services of Hendricks & Lewis. I provided counsel with relevant
25 documents on or about October 2, 2009 via fax.
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1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct.
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4 EXECUTED at Los Angeles, California, this sixth day of October, 2009.

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7 Shahrokh Mokhtarzadeh
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PROOF OF SERVICE

I am employed in the County of King, State of Washington. I am over the age of eighteen years and am not a party to the within action. My business address is Hendricks & Lewis PLLC, 901 Fifth Avenue, Suite 4100, Seattle, Washington 98164.

I hereby certify that on October 7, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants:

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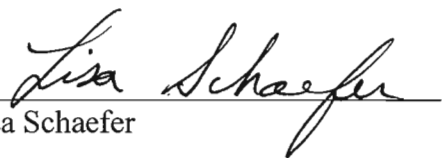
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Attorneys for Defendant Google Inc.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Executed October 7, 2009, at Seattle, Washington.


Lisa Schaefer